



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Albuquerque District  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No:	Date:
2003 00345	March 1, 2004
Phone:	Suspense Date:
(505) 342-3216	March 22, 2004
In Reply Refer to:	
District Engineer, ATTN: CESPA-OD-R	

## PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material as arroyo channelization at The Crossing, Unit 3, subdivision in Mirehaven Arroyo in Albuquerque, Bernalillo County, New Mexico. The project includes realignment and trapezoidal channel construction of a 2000 ft long reach of the arroyo, with buried riprap bank stabilization, drop structures, and natural soil bottom. Approximately 3300 cu yds of earthfill, 360 cu yds of concrete, and 3600 cu yds of riprap will be placed as fill below the ordinary high water mark. Details of the proposed project are provided below.

Name of Applicant: Westland Development Company, Inc., Attn: Leroy J. Chavez, 401 Coors Boulevard, NW, Albuquerque, NM 87121-1455, phone (505) 831-9600.

Agent: Wilson & Company, Attn: Dan Aguirre, PE, 2600 American Road, SE, Rio Rancho, NM 87124, ph (505) 898-8021.

Location: The project is located in Mirehaven Arroyo in Albuquerque, Bernalillo County, New Mexico (a 2000 ft reach between 35° 2' 28" N Latitude, 106° 44' 22" W Longitude and 35° 2' 15" N Latitude, 106° 44' 8" W Longitude). The project area is north of I-40 and west of Unser Boulevard.

Description of Work: The proposed project includes filling and grading activities during channelization of an existing 2000-ft reach of Mirehaven Arroyo. The constructed trapezoid channel will have a 50-ft wide earthen

bottom. The new channel will be constructed in and adjacent to the existing arroyo, with a portion constructed on upland. The upstream transition from Mirehaven Arroyo to the new channel will consist of wingwalls graded to 3:1 side slopes, and the sides will have riprap buried under 2 feet of earth. The new channel will have eight (8) concrete drop structures. The west side slope of the channel will be protected with riprap. Much of the east side slope, below the existing subdivision wall, is presently protected by a previously constructed soil cement scour wall. The east side slope in the upper reach of the channel will be protected with buried riprap. The downstream section of the new channel will connect with an existing channel with drop structures that connects with the nearby Ladera Detention Basin. The new Mirehaven Channel will be constructed to AMAFCA specifications and will be dedicated to AMAFCA.

Following construction of the new Mirehaven Channel the portion of the Mirehaven Arroyo outside the channel alignment will be abandoned, filled, and graded for subdivision development.

A total of approximately 18,500 cu yds of gravel, sand, and clay as backfill, 360 cu yds of concrete, and 6650 cu yds of riprap will be used during construction of the project. Of these quantities, approximately 3300 cu yds of backfill, 360 cu yds of concrete, and 3600 cu yds of riprap will be placed below the ordinary high water mark of Mirehaven Arroyo (7260 cu yds total below OHWM). The footprint area of waters to be filled in the arroyo is 1.8 acres. Work is expected to begin in April 2004 and be completed in December 2004.

Purpose and Need: The stated purpose of the project is to realign an existing 2000-ft long reach of Mirehaven Arroyo. Adjacent lands will be reclaimed for planned subdivision development.

Related Work: The downstream section of the new channel will connect with an existing 1700 linear ft channelized reach with drop structures authorized under Nationwide Permit No. 43 (Action No. 2002 00740; 0.28 acres). This existing constructed channel discharges to the Ladera Detention Basin.

Mitigation Proposed by the Applicant: The constructed Mirehaven channel for the 2000-ft length of project will have a 50-ft wide earthen bottom. The west side slope and a portion of the east side slope of the channel are 14 ft wide. Both the channel bottom and these side slopes will support native vegetation growth and a natural aquatic system. The existing Mirehaven Arroyo bed averages 40 ft wide (1.8 ac). The new bottom habitat area within the constructed channel will be approximately 2.3 ac.

Prior to construction of the new segment of Mirehaven channel and the

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filling and grading of the existing arroyo, a permit will be acquired and a pollution prevention plan will be prepared in compliance with the Clean Water Act NPDES Storm Water Permit Program for construction activities. During land disturbance, silt fencing and berming will be provided on site to mitigate total suspended solids which may discharge from the site. Only well maintained equipment will be utilized in the arroyo environment. No equipment refueling will be conducted in proximity to the arroyo.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Jean Manger  
Albuquerque District, Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109-3435  
(505) 342-3216

Statement of Findings: An intensive (100%) archeological survey was conducted by Quivera Research Associates (QRA) on February 3, 2004, of private land in unplatted land on the Town of Atrisco Grande, Bernalillo County, New Mexico. No archeological sites were found. The most recent listing of cultural properties in New Mexico shows no sites on or pending nomination to the State Register of Cultural Properties or the National Register of Historic Places in or immediately adjacent to the study area. New Mexico Cultural Resource Information System (NMCRIIS) files show 69 sites within a little more than a 1-mi. radius of the project area. The sites include lithic quarries, stone circles, isolated Anasazi rooms, agricultural fields, water control devices, U.S. military, historic, and prehistoric artifact scatters, petroglyphs, and sites of unknown temporal and cultural affiliation. None of the sites is close enough to be affected by project activities. QRA prepared an investigation report, dated February 2004, entitled: "An Archeological Survey of 14 Acres of Private Land in the Crossings Development, Unit 3, on the Town of Atrisco Grant, Bernalillo County, New Mexico for METRIC Corporation." QRA recommends that clearance be granted for the proposed project. The Corps concurs in this recommendation. This constitutes the extent of cultural resource investigations by the applicant and the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural

resources are found, the NMSHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for Bernalillo County, New Mexico:

Bald eagle, Haliaeetus leucocephalus, T  
Whooping crane, Grus americana, E  
Mexican spotted owl, Strix occidentalis lucida, T  
SW willow flycatcher, Empidonax traillii extimus, E  
Rio Grande silvery minnow, Hybognathus amarus, E, CH

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the Albuquerque District Office, U.S. Army Corps of Engineers, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than **March 22, 2004**. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act.

Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety  
State Floodplain Coordinator  
Attn: Mr. Bill Borthwick  
email: [wborthwick@dps.state.nm.us](mailto:wborthwick@dps.state.nm.us)  
Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Dana R. Hurst  
Lieutenant Colonel, U.S. Army  
District Engineer

Enclosure